UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,510	03/15/2000	Marcus Peinado	MSFT-0135/147325.1	9494

7590 11/13/2003	EXAMINER
Steven H Meyer	BACKER, FIRMIN

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ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE f this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 October 2003* .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-46* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *8* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

Response to Request for Reconsideration

This is in response to a request for reconsideration file October 18th, 2003. Claims 1-46

are being reconsidered in this action.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et

al (U.S. Patent No. 6,058,476) in view of Patel (U.S. Patent No. 6,374,355).

3.   As per claims 1 and 24, Matsuzaki et al teach a method/computer readable medium for

releasing (*transmission system/method*) digital content (*digital copyrighted material*) to a

rendering application (*a first device, 51, 110*), the rendering application for forwarding the digital

content to an ultimate destination (*second device, 52, 111*) by way of a path (*communication

cable 116*) there between, the path being defined by at least one module (*SCSI controller, 121,

130*), the digital content (*digital copyrighted material*) initially being in an encrypted form (*see

fig 3, 9, 10, 11, column 11 line 11-61, 22 line 42-23 line 9*) comprising determine whether each

defining module thereof is to be trusted to appropriately handle the digital content passing there

through (*see column 6 lines 22-50*) decrypting (*decryption unit*) the encrypted digital content if

in fact each such defining module is to be trusted *(column 6 line 51-64)*, and forwarding

(transmitting) the decrypted digital content to the rendering application for further forwarding to

the ultimate destination by way of the authenticated path *(see column 5 lines 45-67, 9 line 29-10*

line 4, 18 line 21-67). Matsuzaki et al fail to teach performing an authentication of at least a

portion of the path. However, Patel teaches an inventive concept of performing an authentication

of at least a portion of the path *(see abstract, fig 1, 2, column 2 lines 42-52)*. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Matsuzaki et al's inventive concept to include Patel' inventive concept performing an

authentication of at least a portion of the path because this would a secure communication path to

facilitate communication between the devices.

4.   As per claims 2 and 25, Matsuzaki et al teach a method/computer readable medium

further comprising scrambling the digital content upon such digital content being outputted from

the rendering application to the path such that the scrambled digital content enters the user mode

portion of the path, such scrambled digital content then passing through the modules that define

the user mode portion of the path and transiting from the user mode portion to the kernel portion

of the path; and de-scrambling the scrambled digital content upon such scrambled digital content

transiting from the user mode portion to the kernel portion *(see fig 3, 9, 10, 11, column 11 line*

11-61, 22 line 42-23 line 9).

5.   As per claims 3 and 26, Matsuzaki et al teach a method/computer readable medium

comprising de-scrambling the scrambled digital content by way of a de-scrambling module *(see*

column 6 lines 22-50).

6.   As per claims 4 and 27, Matsuzaki et al teach a method/computer readable medium

comprising de-scrambling the scrambled digital content in the kernel portion of the path *(see*

column 5 lines 45-67, 9 line 29-10 line 4, 18 line 21-67).

7.   As per claims 5 and 28, Matsuzaki et al teach a method/computer readable medium

comprising performing an authentication of at least a portion of the kernel portion of the path to

determine whether each defining module thereof is to be trusted to appropriately handle the

digital content passing there through *(see column 5 lines 45-67, 9 line 29-10 line 4, 18 line 21-*

67).

8.   As per claims 6 and 29, Matsuzaki et al teach a method/computer readable medium

wherein the path includes a user mode portion and a kernel portion, the method comprising

performing an authentication of at least a portion of the kernel portion of the path to determine

whether each defining module thereof is to be trusted to appropriately handle the digital content

passing there through *(see column 6 lines 22-50)*.

9.   As per claims 7 and 30, Matsuzaki et al teach a method/computer readable medium

further comprising scrambling the digital content upon such digital content being outputted from

the rendering application to the path such that the scrambled digital content enters the user mode

portion of the path, such scrambled digital content then passing through the modules that define

the user mode portion of the path and transiting from the user mode portion to the kernel portion

of the path; and de-scrambling the scrambled digital content upon such scrambled digital content

transiting from the user mode portion to the kernel portion (*see fig 3, 9, 10, 11, column 11 line*

11-61, 22 line 42-23 line 9).

10. As per claims 8 and 31, Matsuzaki et al teach a method/computer readable medium

comprising de-scrambling the scrambled digital content by way of a de-scrambling module *(see*

column 5 lines 45-67, 9 line 29-10 line 4, 18 line 21-67).

11. As per claims 9 and 32, Matsuzaki et al teach a method/computer readable medium

comprising de-scrambling the scrambled digital content in the kernel portion of the path (*column*

6 line 51-64).

12. As per claims 10 and 33, Matsuzaki et al teach a method/computer readable medium

wherein performing the authentication comprises traversing the at least a portion of the path to

develop a map of each module in the path; and authenticating each module in the map (*column 6*

line 51-64).

13.   As per claims 11 and 34, Matsuzaki et al teach a method/computer readable medium

wherein performing the authentication further comprises ignoring each module not in the map

(*see column 6 lines 22-50*).

14.   As per claims 12 and 35, Matsuzaki et al teach a method/computer readable medium

wherein performing the authentication comprises authenticating an initial module determining all

first destination modules that receive data from such initial module authenticating each such first

destination module, determining all second destination modules that receive data from each such

first destination module, iteratively repeating the authenticating and determining steps for third,

fourth, fifth, etc. destination modules until each module in such at least a portion of the path

has been determined and authenticated (*see fig 3, 9, 10, 11, column 11 line 11-61, 22 line

42-23 line 9*).

15.   As per claims 13 and 36, Matsuzaki et al teach a method/computer readable medium

wherein authenticating the initial module comprises authenticating a module in the at least a

portion of the path that is to receive the digital content before any other module in the at least a

portion of the path, whereby the initial module leads to fully determining all other modules that

define the at least a portion of the path (*see fig 3, 9, 10, 11, column 11 line 11-61, 22 line 42-23

line 9*).

16.   As per claims 14 and 37, Matsuzaki et al teach a method/computer readable medium

comprising employing a database device to keep track of all modules determined to be in the at

least a portion of the path, whereby already-determined modules in the at least a portion of the path can be recognized (*see column 6 lines 22-50*).

17.   As per claims 15 and 38, Matsuzaki et al teach a method/computer readable medium wherein performing an authentication comprises for each module in the at least a portion of the path: receiving from the module a certificate as issued by a certifying authority; and determining from the received certificate whether such received certificate is acceptable for purposes of authenticating the module (*column 6 line 51-64*).

18.   As per claims 16 and 39, Matsuzaki et al teach a method/computer readable medium wherein performing an authentication further comprises checking a revocation list to ensure that the received certificate has not been revoked (*see fig 3, 9, 10, 11, column 11 line 11-61, 22 line 42-23 line 9*).

19.   As per claims 17 and 40, Matsuzaki et al teach a method/computer readable medium further comprising receiving the revocation list from a certifying authority; storing the received revocation list in a secure location (*see fig 3, 9, 10, 11, column 11 line 11-61, 22 line 42-23 line 9*).

20.   As per claims 18 and 41, Matsuzaki et al teach a method/computer readable medium wherein performing an authentication further comprises refusing to decrypt the encrypted digital

content if at least one module in the at least a portion of the path fails to provide an acceptable certificate *(see fig 3, 9, 10, 11, column 11 line 11-61, 22 line 42-23 line 9)*.

21.   As per claims 19 and 42, Matsuzaki et al teach a method/computer readable medium wherein performing an authentication further comprises decrypting the encrypted digital content if all the modules in the at least a portion of the path provide an acceptable certificate *(see column 5 lines 45-67, 9 line 29-10 line 4, 18 line 21-67)*.

22.   As per claims 20 and 43, Matsuzaki et al teach a method/computer readable medium wherein performing an authentication further comprises, for each module in the at least a portion of the path that fails to provide an acceptable certificate defining a sub-portion of the path including the non-providing module, scrambling the digital content upon such digital content entering the tunnel portion of the path. such scrambled digital content then passing through the modules that define the sub-portion of the path; and de-scrambling the scrambled digital content upon such scrambled digital content exiting from the sub-portion of the path; and declaring the sub-portion trustworthy *(see fig 3, 9, 10, 11, column 11 line 11-61, 22 line 42-23 line 9)*.

23.   As per claims 21 and 44, Matsuzaki et al teach a method/computer readable medium wherein the path includes a user mode portion and a kernel portion, the method comprising performing an authentication of the user mode portion of the path and of the kernel portion of the path to determine whether each defining module thereof is to be trusted to appropriately handle

the digital content passing there through *(see column 5 lines 45-67, 9 line 29-10 line 4, 18 line 21-67)*.

24.   As per claims 22 and 45, Matsuzaki et al teach a method/computer readable medium wherein the path includes a tunneled portion, the method further comprising scrambling the digital content upon such digital content entering the tunneled portion of the path, such scrambled digital content then passing through the modules that define the tunneled portion of the path; and de-scrambling the scrambled digital content upon such scrambled digital content exiting from the tunneled portion of the path, and wherein performing an authentication comprises performing an authentication of at least a portion of the path external to the tunneled portion of the path to determine whether each defining module thereof is to be trusted to appropriately handle the digital content passing there through, an authentication of the tunneled portion being unnecessary *(see fig 3, 9, 10, 11, column 11 line 11-61, 22 line 42-23 line 9)*.

25.   As per claims 23 and 46, Matsuzaki et al teach a method/computer readable medium wherein the path includes a user mode portion, a kernel portion, and a tunneled portion in the user mode portion, the method further comprising scrambling the digital content upon such digital content entering the tunneled portion of the user mode portion of the path, such scrambled digital content then passing through the modules that define the tunneled portion of the user mode portion of the path, and de-scrambling the scrambled digital content upon such scrambled digital content exiting from the tunneled portion of the user mode portion of the path and wherein performing an authentication comprises performing an authentication of at least a

portion of the path external to the tunneled portion of the user mode portion of the path to determine whether each defining module thereof is to be trusted to appropriately handle the digital content passing there through, an authentication of the tunneled portion being unnecessary *(see fig 3, 9, 10, 11, column 11 line 11-61, 22 line 42-23 line 9).*

Response to Arguments

26.   Applicant's arguments filed October 18th, 2003 have been fully considered but they are not persuasive.

        a.   Applicant argue that the prior arts fail to teach an inventive concept of decrypted and encrypted digital content and forward such decrypted content through a path. Examiner respectfully disagrees with Applicant characterization of the prior arts. It is clear that Matsuzaki et al teach an inventive concept wherein a blocked digital copyrighted material transmitted from first device 51 mj (64-bit) is encrypted by the first encryption IC 54 inside first device 51 using the data transfer key obtained. The process of transmitting the obtained encrypted text Cj to second device 52 is repeated until all the digital copyrighted material to be transferred has been sent. In response a second encryption IC 56 inside second device 52 receives the encrypted digital copyrighted material Cj (64-bit) sent from first device 51, decrypts Cj using data transfer key K acquired in step (10), and sends the obtained digital copyrighted material mmj to MPU 55. *(see fig 3).*
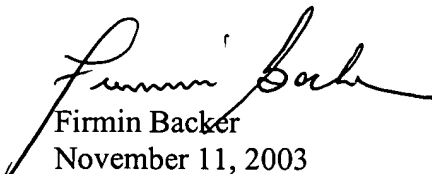
Conclusion

27.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
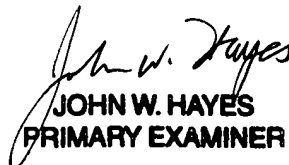
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The

examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammel can be reached on (703) 305-9768. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 305-7687 for regular

communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.

Firmin Backer

November 11, 2003

JOHN W. HAYES

PRIMARY EXAMINER